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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/034,491
Filing Date: December 27, 2001
Appellant(s): LINDER, JAMES D.

Ryan Loveless
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/27/2007 appealing from the Office action mailed 7/14/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,625,798	Badders et al
6,295,513	Thackston
2002/026385	McCloskey et al

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,7,9,12,14,18,20,24 are rejected under 35 U.S.C. 102(b) as being anticipated by Badders et al ("Badders", 5,625,798).

As per independent claim 1, Badders discloses a data processing system, comprising: a user interface operable to display information to a user and to receive commands from a user accessing a digital model data set (Column 6 lines 28-31); a digital model data set comprising data associated with the form of mechanical structures (Column 3 lines 32-37); and a business process attribute data set linked to the digital model data set such that various elements within the digital model data set are linked to business process attributes within the business process attribute data set such that users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user (Column 3 lines 32-37, Column 6 lines 28-47); and wherein the business process attribute comprises one of: quality information defining a quality level parameter associated with a component represented in the digital model data set; safety information defining a safety level parameter

associated with a component represented in the digital model data set (Column 2 lines 37-48); revision information defining a revision parameter associated with a component represented in the digital model data set; and an information related to a component associated with data within the digital model data set .

Claim 3 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

As per claim 7, which is dependent on claim 1, Badders discloses a system further comprising a knowledge base data set engine coupled to and operable to access various knowledge base data sets, the knowledge base data set engine operable to inferentially apply business process attributes to features within the digital model data set responsive to information linked to such features within the knowledge base data sets accessible to the knowledge base data set engine (Column 3 lines 45-67).

As per claim 9, which is dependent on claim 7, Badders discloses a system wherein the knowledge base data set engine is operable to automatically inferentially apply a safety information business process attribute to a feature included within the digital model data set (Column 6 lines 28-31, Column 2 lines 37-48).

Claims 12,18 are similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claims 14,20 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

As per claim 24, which is dependent on claim 1, Badders teaches a system wherein the business process attribute comprises safety information defining a safety

level parameter associated with a component represented in the digital model data set (Column 2 lines 37-48).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2,4,8,10,13,15,19,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badders et al ("Badders", US 5,625,798) in view of Thackston ("Thackston", US 6,295,513).

As per claim 2, which is dependent on claim 1, Badders fails to teach defining a quality level attribute. However, Thackston discloses a system wherein the business process attribute comprises quality information defining a quality level parameter associated with a component represented in the digital model data set (Column 16 lines 34-51). Therefore it would have been obvious to an artisan at the time of the invention to combine the quality attribute of Thackston with the system of Badders. Motivation to

do so would have been to reduce the costly and cumbersome efforts of engineering design, by resolving design issues that occur when collaborating on a project.

As per claim 4, which is dependent on claim 1, Badders-Thackston teaches a system wherein the business process attribute comprises revision information defining a revision parameter associated with a component represented in the digital model data set (Thackston, Column 15 lines 28-45).

As per claim 8, which is dependent on claim 7, Badders-Thackston discloses a system wherein the knowledge base data set engine is operable to automatically inferentially apply a quality information business process attribute to a feature included within the digital model data set. (Thackston, Column 16 lines 34-51, Badders Column 6 lines 28-31).

As per claim 10, which is dependent on claim 7, Badders-Thackston teaches a system wherein the business process attribute comprises revision information defining a revision parameter associated with a component represented in the digital model data set (Thackston, Column 15 lines 28-45, Badders Column 6 lines 28-31).

Claims 13,19 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 15,21 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

3. Claims 5,6,11,16,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badders et al ("Badders", US 5,625,798) and Thackston

("Thackston", US 6,295,513) in view of McCloskey et al ("McCloskey", US 2002/0026385).

As per claim 5, which is dependent on claim 1, Badders-Thackston fails to distinctly point out a network address associated with information related to a component. However, McCloskey teaches a system wherein the business process attribute comprises an information address attribute comprising a network address associated with information related to a component associated with data within the digital model data set ([0038] lines 1-3; or part data pertaining to a particular part depicted in that CAD drawing). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Badders-Thackston with the teaching of McCloskey. Motivation to combine would have been to provide an active drawing so that information about the component or object can be accessed quickly.

As per claim 6, which is dependent on claim 5, Badders-Thackston-McCloskey discloses a system wherein the information address attribute comprises a hypertext link address that when displayed to a user of the system and activated by the user of a system will result in the activation of a browser program which is operable to retrieve information stored at the information attribute hypertext link address (McCloskey, [0038] lines 1-3; or part data pertaining to a particular part depicted in that CAD drawing).

As per claim 11, which is dependent on claim 7, Badders-Thackston-McCloskey discloses a system wherein the knowledge base data set engine is operable to automatically inferentially apply an information address link attribute to a feature

included within the digital model data set (McCloskey, [0038] lines 1-3; or part data pertaining to a particular part depicted in that CAD drawing).

Claims 16,22 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claim 23 is individually similar in scope to that of claim 6, and is therefore rejected under similar rationale.

(10) Response to Argument

The Appellant argues the cited art in general fails to teach specific types of attribute information as pointed out in the claims. However, the Appellant never argues that the art is silent in teaching generic attributes, and in fact concedes that Badders discloses extracting attribute data. Whether the attribute data is business process attributes, safety attributes, quality attributes, revision attributes, or any other kind of attribute, the specific type of attribute is non-functional descriptive material, and the type of attribute described does not change the functionality of the invention. Therefore the Examiner believes that the attributes of the prior of record as pointed out above meet the limitations of the claimed invention in relation to the attribute information.

Even though the attribute date limitations are already believed to be met, the Examiner will further support his position by pointing out the specific non-functional attribute information data.

The Appellant argues that Badders does not disclose displaying business process attribute elements when a mechanical component is displayed to the user. To understand business process attributes one should look at the Appellant's specification Page 5 lines 25-33 and Page 6 lines 1-11. Specifically the specification teaches business process attributes to be virtually any information, but gives examples of address information, safety information, quality information, and revision information. Badders teaches automatically extracting and providing to a user attribute information relating to components of a CAD system drawing (Column 6 lines 28-31).

The Appellant argues that Badders does not disclose automatically inferentially applying business process attributes. However, Badders states appending the graphical attribute information into a corresponding database file and automatically providing the additional extracted attribute information to the user (Column 6 lines 41-45).

The Appellant argues that Badders does not disclose safety information. However, Badders teaches appending attribute information as pointed out above and specifically points out drawing considerations such as OSHA requirements, federal safety regulations (Column 2 lines 42-49).

The Appellant argues that Thackston does not disclose quality information. However, Thackston teaches specifically including as an attribute to a particular entity (column 16 lines 47-51) standards and specifications defining such things as quality assurance information (Column 16 lines 34-40).

The Appellant argues that Thackston does not disclose revision information. Thackston teaches history information and copy version numbers associated with the CAD part design model (Column 15 lines 66- Column 16 lines 4).

The Appellant argues that McCloskey does not disclose an information address. However, McCloskey clearly points out that a reference used to associate the part shown in a CAD drawing to the part data can be embedded. The HTTP protocol can be used to pass the reference and the part data between the client and server. This is as disclosed an information address.

Applying attributes to a particular element of a CAD drawing is frequent in all three of the prior art references listed above. Changing the type of attribute or the information inside the attribute does not affect the functionality of the invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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